

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

NORTHERN DYNASTY
MINERALS LTD. and PEBBLE
LIMITED PARTNERSHIP,

Plaintiffs,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Defendant.

Case No. 3:24-cv-00059-SLG

DECLARATION OF DREW HEATON HAMILTON

I, Drew Hamilton, hereby declare:

1. My name is Drew Heaton Hamilton, and I live in Churchill, Manitoba, Canada.
2. I make this declaration in support of Friends of McNeil River's Motion to Intervene in the above-captioned litigation. I know these facts of my own personal knowledge and would competently testify to them if called as a witness in these proceedings.
3. Friends of McNeil River is a non-profit organization whose mission is to protect and support the McNeil River State Game Sanctuary and Refuge (McNeil Sanctuary), which is managed by the Alaska Department of Fish and Game.

4. I have been the President of Friends of McNeil River for about 5 years. I am also a member of the organization and serve on its board.

5. Our organization is based in Anchorage, Alaska and has approximately 100 members.

6. One of our main goals is to help preserve and foster appreciation of brown bears that seasonally gather at McNeil Falls at the mouth of the McNeil River on Cook Inlet. We support the McNeil Sanctuary by helping maintain infrastructure and trails, providing volunteers for cleanup crews, and doing anything else the land managers may need. We have also been involved in supporting scientific research projects that take place at the McNeil Sanctuary.

7. Friends of McNeil River also works to raise awareness about the McNeil Sanctuary by sending informational emails and organizing meetings. For example, we hold meetings with McNeil Sanctuary staff so our members can ask them questions about logistics, bears, what to bring, daily operations, or any other questions that come up regarding their potential trip to McNeil River. We also send out reminders for people to apply for their bear viewing permits so they can access the McNeil Sanctuary.

8. I am also a wildlife photographer and tour guide, and one of the places we go is in the McNeil Sanctuary. There is a significant population of brown bears known to cross the mountains to feed on the seasonal abundance of salmon in Bristol Bay. Weather permitting, we do about 2 tours a year of the McNeil Refuge and dozens of tours to

nearby Katmai National Park and Preserve. Our business model relies not only on the intrinsic value of wilderness but also on the value of intact salmon.

9. I am a nature enthusiast as well. I enjoy fishing, hiking, camping, and being out in nature. I have been doing all these things in the Cook Inlet and Bristol Bay watersheds for 25 years, and I intend to continue doing so.

10. When I visit the Bristol Bay area most days between the end of July and the end of August. During my visits, I guide bear viewing day trips and multi-day camping trips. These trips usually include the confluence of Funnel and Moraine Creeks, Brooks River, Kulik Lake, and other places within the Bristol Bay region. I also frequent the McNeil Refuge and the coastal regions of Katmai National Park.

11. I plan to go back to McNeil River State Game Sanctuary and Refuge as frequently as possible for the foreseeable future.

12. I have known about the proposed Pebble Mine project since the late 1990s. The location of the port, road, power plant, and other mine-related infrastructure would be right in the middle of bear movement corridors, including bears that move from various points across the Alaska Peninsula to gather in the McNeil Sanctuary.

13. Salmon is part of a healthy Alaskan brown bear's diet. Many bears start in Cook Inlet and migrate into Bristol Bay to feed on salmon. These bears contribute to the largest congregation of bears on earth at McNeil Sanctuary, and they frequently use the

route that would serve as the road corridor for Pebble Mine to pass back and forth between Cook Inlet and Bristol Bay.

14. Building the proposed road, port, and other mine infrastructure in the middle of the bear migration route would bring bears into close contact with industrial activities. The science is very clear in showing that roads and infrastructure negatively impact bears and their movements. The Pebble Mine would catastrophically impact bear migration and access to their food sources in McNeil Sanctuary and Katmai National Park and Preserve. The Pebble Mine project would also impact salmon in Bristol Bay that brown bears depend on once they arrive there.

15. The Pebble Mine would also ruin the views and natural beauty in places where I and many others travel to for bear viewing. The power plant and port intended to support the Pebble Mine would be built within sight of one of the more popular bear viewing spots in the McNeil Sanctuary. The proposed road, powerplant, and infrastructure at Amakdedori would be situated just 11 miles from McNeil Falls, and the road corridor passes within approximately 250 feet of the McNeil Sanctuary and an adjacent parcel of land.

16. The Pebble Mine would also increase traffic through the shipping corridor in Kamishak Bay, which is right in the middle of the vista where I go for viewing bears.

17. I am also seriously concerned about the food conditioning of bears at the proposed port site. It is dangerous when a food-conditioned bear wanders over to me, my

crew, or my guests. These bears are considered dangerous because they associate people with food and are very dangerous animals. The potential risk to people using this area for bear viewing, including me, cannot be overstated.

18. Much of my livelihood is based on the wilderness and scenic value of the area, so these aspects of the Pebble Mine project would hurt my economic interests as well as my personal enjoyment of the area.

19. Friends of McNeil River has worked to prevent these harms to bears, salmon, and the recreational value of the area surrounding the proposed Pebble Mine location. As President and a member of Friends of McNeil River, I have worked to keep people up to date on Pebble Mine, and we have advocated against this project for many years.

20. If the Pebble Mine or any similar mine project is built, Friends of McNeil River would be irreparably harmed because the area we have enjoyed and worked to protect would be forever altered. Diminished salmon runs and reduced bear congregations would greatly reduce the enjoyment and satisfaction we get from volunteering our services to protect and maintain the McNeil Sanctuary.

21. Friends of McNeil River strongly supports the U.S. Environmental Protection Agency's (EPA) Final Determination under Section 404(c) of the Clean Water Act because it protects the Bristol Region's salmon, brown bears, viewing opportunities,

outdoor recreation, enjoyment of the landscape, tourism businesses, and scenic views.

For similar reasons, I personally support EPA's decision as well.

22. The plaintiffs in this litigation seek to reverse EPA's important decision protecting the Bristol Bay region, and this would have devastating impacts on Friends of McNeil River, as well as on me and my guiding and photography activities.

23. Friends of McNeil River and its members are not adequately represented by EPA in this lawsuit. While we support EPA's Final Determination, we can only be sure that our interests are protected by participating in the lawsuit as a party. EPA has changed course before, as in 2017 when it abruptly withdrew its Proposed Determination after a change in administration. Agency leadership could change again during the pendency of this lawsuit, especially in light of the upcoming November 2024 election. Only by intervening and gaining the rights of a party can Friends of McNeil River be sure that its interests and those of its members are protected.

24. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 3 day of May 2024 in Churchill, Manitoba, Canada.



Drew Hamilton